

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

17 Pending before the Court is Plaintiff's motion for a temporary restraining order filed
18 on December 20, 2007. Plaintiff seeks an order enjoining Defendants from promoting or
19 marketing their "Angelite" bathroom tissue products, which Plaintiff alleges, infringes its
20 "Angel Soft" trademarks. Plaintiff argues there is a significant chance Defendants will
21 destroy the products or relocate themselves if they are given prior notice of the motion for
22 temporary restraining order. Federal Rule of Civil Procedure 65(b) provides that:

23 A temporary restraining order may be granted without written or oral notice
24 to the adverse party or that party's attorney only if (1) it clearly appears
25 from specific facts shown by affidavit or by the verified complaint that
immediate and irreparable injury, loss, or damage will result to the applicant
26 before the adverse party or that party's attorney can be heard in opposition,
and (2) the applicant's attorney certifies to the court in writing the efforts,
if any, which have been made to give the notice and the reasons supporting
the claim that notice should not be required.

28 After a review of the motion, declarations filed in support and the complaint, the Court

1 finds insufficient facts showing that immediate and irreparable injury will result if
2 Defendant has an opportunity to respond to the motion.

3 Accordingly, **IT IS HEREBY ORDERED:**

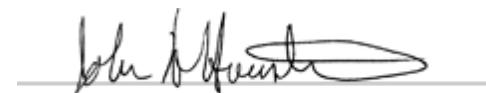
4 1. A hearing on Plaintiff's motion for temporary restraining order will be held
5 before this Court in Courtroom 11 at 940 Front Street, San Diego,
6 California 92101 on **January 14, 2008 at 2:30 p.m.**

7 2. Defendants shall file and serve a response to the motion for temporary
8 restraining order **on or before January 7, 2008.**

9 3. Plaintiff shall file a copy of this order, the motion and declarations in
10 support on Defendants **on or before December 28, 2007.**

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12 DATED: December 20, 2007



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14 JOHN A. HOUSTON
United States District Judge

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